

LICENSE NO. C-9439

IN THE MATTER OF

THE LICENSE OF

RAYMOND ANTHONY HARRON, M.D.

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BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER

On the 13th day of April, 2007, came on to be heard before the Texas Medical Board ("the Board"), duly in session, the matter of the license of Raymond Anthony Harron, M.D. ("Respondent").

By the signature of Respondent on this Order, Respondent waived the right to appear at an Informal Show Compliance Proceeding and Settlement Conference pursuant to TEX. OCC. CODE, Title 3, Subtitle B, §164.004 and 22 TEX. ADMIN. CODE §187.18 and all rights pursuant to TEX. GOV'T CODE, §2001.051 and §2001-054, including, but not limited to the right to notice and hearing, and instead agrees to the entry of this Order to resolve the matters addressed in this Order. Scott M. Freshour represented Board Staff. Mr. Ron Barroso represented Respondent.

Upon the recommendation of the Board's staff and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters the Order as set forth herein:

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under TEX. OCC. CODE ANN. Title 3, Subtitle B (the "Act") or the Rules of the Board.
2. Respondent holds Texas Medical License No. E-7175 and was granted this license on June 18, 1962.
3. Respondent is also licensed in West Virginia, New York, North Carolina, Florida, Louisiana, New Mexico, Mississippi, California and Hawaii.

4. Respondent is 74 years of age.
5. Respondent is no longer in active practice. When practicing, his primary practice was radiology. Respondent is board certified by the American Board of Radiology and the American Board of Nuclear Medicine.
6. Respondent resides in Texas and is not practicing in Texas. Respondent does not intend to renew his Texas Medical License after it expires on May 31, 2007.
7. The Respondent is subject to allegations related to Silica/Silicosis litigations and his determination and signature on x-ray findings of silicosis for numerous silicosis plaintiffs.
8. Respondent denies he had any physician-patient relationship with any silicosis claimant, and states he was acting as an expert for attorneys and government agencies.
9. Silicosis litigation was the subject of congressional hearings concerning mass tort litigation.
10. Silicosis litigation has also been the subject of numerous legal proceedings. A federal judge in Corpus Christi, Texas recently heard arguments over the findings of plaintiffs' medical experts including Respondent, and the validity of their diagnosis.
11. Respondent either performed B-reads, which are physician findings from a chest x-ray by a physician certified by National Institute of Occupational Health and Safety, ("NIOSH"), and reported on a standardized form using a classification system devised by International Labour Office ("ILO"), or produced diagnostic reports for numerous plaintiffs. Respondent was also the diagnosing physician for numerous plaintiffs. He performed numerous B-reads in the silicosis litigation before the federal judge.
12. The Respondent read x-rays from a screening company. The screening company did not have medical doctors overseeing or supervising the x-rays, and its owners admit their main purpose was to serve law firms bringing the silicosis litigation.

13. Respondent read numerous x-rays and found numerous claimants had both x-ray findings consistent with silicosis and asbestosis. The silicosis and asbestosis have different findings on x-rays.

14. Respondent testified in federal court that he "capitulated" to a request by attorneys that he put language in his reports concerning his relying on a "physical examination" even if those physical examinations did not add anything to the diagnosis.

15. Respondent admits he does not know if the law firms or the screening companies took the exposure history referenced in his reports. Respondent relied on the representations contained in these exposure histories, which were signed by the Claimants. Respondent stated all he needs to make a diagnosis is an exposure history, a positive x-ray, and some latency (meaning the elapsed time period between exposure and the positive x-ray).

16. Unless he had a reason to believe there were other possible causes, Respondent did not rule out other possible causes that might have caused a positive radiographic finding.

17. Respondent testified that he relied on his secretary and typists to type his reports from information given to them in writing on the ILO forms, the English translation of the B-read, and information on the A sheet (exposure history). He testified he initially reviewed the reports until he was confident the reports were being done correctly. After that time he did not usually review or edit the reports before they were sent out to law firms.

18. Inasmuch as Respondent is not currently practicing medicine in Texas, Respondent agrees that from the date of this Order until the expiration of his license on May 31, 2007, he will not practice medicine in the State of Texas nor will he seek to renew his license, nor will the Respondent seek reinstatement of said license.

19. Respondent does not admit or deny the Findings of Fact and Conclusions of Law set forth in this Agreed Order. Respondent denies any violation of the Medical Practice Act.

20. Respondent has cooperated with Board staff in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 of the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051 of the Act, as defined by Board Rule 190.8 authorizes the Board to take disciplinary action against Respondent under any of the basis therein.
3. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board

ORDERS that:

1. Respondent shall not practice medicine until the expiration of his medical license on May 31, 2007. Neither shall Respondent seek to renew his medical license after said date.
2. Respondent shall not petition the Board for reinstatement or re-issuance of his Texas license.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER, RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD:

I, RAYMOND ANTHONY HARRON, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATE: March 9, 2007.

Ray A. Harron M.D.
RAYMOND ANTHONY HARRON, M.D.
Respondent

STATE OF Texas
COUNTY OF Travis

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 9th day of March, 2007.

Becky Ruzicka
Signature of Notary Public.



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board
on this 13th day of April, 2007.


Roberta M. Kalafut, D.O., President
Texas Medical Board